

SENATE BILL REPORT

SB 6613

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 6, 2020

Title: An act relating to the inspection of marine aquatic farming locations.

Brief Description: Concerning the inspection of marine aquatic farming locations.

Sponsors: Senators Rolfes, Lovelett and Saldaña.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/04/20, 2/06/20 [DPS].

Brief Summary of First Substitute Bill

- Directs the Washington Department of Fish and Wildlife to adopt rules that provide for the recovery of actual costs incurred for inspecting, monitoring, and compliance testing of marine aquatic farms.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6613 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

Staff: Jeff Olsen (786-7428)

Background: Aquaculture is the process of growing, farming, or cultivating aquatic products in marine or freshwater environments. Aquatic products include plants, shellfish, and finfish. There are four main state permits or approvals necessary to conduct net pen aquaculture in Washington's marine waters:

- a national pollutant discharge elimination system (NPDES) permit through the Department of Ecology (Ecology);
- an aquatic farm registration through the Department of Fish and Wildlife (DFW);
- a marine finfish aquaculture permit through DFW; and

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- fish transport permits through DFW.

The federal Clean Water Act establishes NPDES, which regulates discharges of pollutants to surface waters. In Washington, NPDES permitting authority is delegated to the state, allowing Ecology to issue NPDES permits.

An aquatic farmer must obtain a marine finfish aquaculture permit, valid for five years, from DFW in order to raise any species of marine finfish in net pens in Washington's marine waters. The aquatic farmer must include an operations plan, escape prevention plan, and an escape reporting and recapture plan with the permit application.

The director of DFW may develop rules for implementing, administering, and enforcing marine fin fish aquaculture programs in cooperation with fin fish aquatic farmers. The rules must include procedures for inspecting marine aquatic farming locations on a regular basis to determine conformity with laws and rules relating to operation of marine aquatic farms.

Summary of Bill (First Substitute): The director of DFW must develop rules that provide for the recovery of actual costs incurred for required inspections, monitoring, and compliance testing by DFW.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):

- Clarifies that the rules the DFW develop are for the recovery of actual costs incurred for required inspections, monitoring, and compliance testing.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: With the recent collapse of a net pen in Washington's marine waters, the industry is more highly regulated. State agencies need the resources to monitor and inspect aquatic farms and protect our waters. DFW and Ecology conducts monitoring and inspections to ensure that native stocks and water quality is protected. Currently DFW does not collect any fees to cover the costs of monitoring and inspections. Recently, DFW approved a new permit for marine aquaculture. It is critical that agencies have adequate resources to monitor and inspect given the history here in Washington. The risks associated with escape, pollution, and disease requires inspections. Failure to monitor may impact endangered stocks.

CON: The aquaculture industry fears the bill will have a chilling effect on the growth of the industry in Washington. Aquaculture in Washington is already the most regulated industry, and those costs are significantly increasing the cost of fish products. Regulatory costs are

passed down to the consumer. The state and industry needs to work together to develop a state aquaculture plan.

OTHER: It is not clear what costs will be included for recovery. Currently aquaculture operators spend a significant amount of money on permits, inspections and monitoring including net inspections, site monitoring, aquatic leases, and water quality permits. The process should not be open-ended and should only include the direct costs of monitoring.

Persons Testifying: PRO: Senator Christine Rolfes, Prime Sponsor; Amy Windrope, Deputy Director, Department of Fish and Wildlife; Tom McBride, Department of Fish and Wildlife; Bruce Wishart, Puget Soundkeeper, Sierra Club; Jeff Parsons, Puget Sound Partnership.

CON: Jeanne McKnight, Northwest Aquaculture Alliance.

OTHER: Troy Nichols, Cooke Aquaculture Pacific, Inc..

Persons Signed In To Testify But Not Testifying: No one.